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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/562,280 | 12/22/2005 | Kum Chung Loh | NL 030704 | 5666 |

24737 7590 10/02/2007
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

| EXAMINER |
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KLIMOWICZ, WILLIAM JOSEPH

| ART UNIT | PAPER NUMBER |
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2627

| MAIL DATE | DELIVERY MODE |
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10/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|---|-----------------------------------|--|
| Office Action Summary | Application No. 10/562,280 | Applicant(s) LOH ET AL. | |
| | Examiner William J. Klimowicz | Art Unit 2627 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7, 12 and 13 is/are rejected.
- 7) ☒ Claim(s) 4, 6 and 9-11 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

The drawings are objected to because the arrow 20 - see page 20, line 13-14 of Applicant's specification) does not appear to be shown in any of Applicant's drawings.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

That is, the Applicant should include Title headings (e.g.,) BACKGROUND OF THE INVENTION, etc.) delineated *infra*, for the specification.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The disclosure is objected to because of the following informalities:

With regard to page 1 (line 23), the Applicant may wish to consider changing the word "sledge" to the word --slide--.

Appropriate correction is required.

Claim Objections

Claims 10 and 11 are objected to because of the following informalities and appropriate correction is required.

With regard to claim 10 (line 1), the word “tot” should be spelled as the word --to--.

The following phrase(s) lack clear antecedent basis within the claim(s), i.e., either the particularly recited passage fails to be properly introduced prior to its appearance at that point in the claim or the structure recited in the passage is not an inherent part of or component of the previously recited structure. The lack of antecedence as noted *infra*, is merely formal, since the claims can be understood in light of the instant specification and drawings; the antecedence informalities delineated below do not rise to the level of a rejection under 35 USC 112 2nd paragraph:

(i) Claim 11 (line 2), “the control unit.”

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 3 (line 5), the phrase “which bearing late (9) . . . preferably rotatable about a pivoting pin” is vague and ambiguous. More concretely, the it is ambiguous if the bearing plate is rotatable about pin (10), or is not required to be rotatable about the pin (10), since the word “preferably” implies that the function is not positively required.

Thus the scope of claim 3 cannot be readily ascertained.

Additionally, since claim 7 depends directly from claim 3, it too is thus rejected under the second paragraph of 35 U.S.C. § 112.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakamoto et al. (2002-140849 A).

As per claim 1, Sakamoto et al. (2002-140849 A) discloses a disk drive unit (FIG. 101) for a disk (D1, D2), which disk drive unit comprises a pickup unit (e.g., the pickup used in reading from disc(s) D1, D2, mounted on slide (2)) mounted to a slide (2) of a slide mechanism (e.g., see FIG. 1), which slide mechanism is adapted to move the pickup unit along the disk (D1, D2) between a home position (position at innermost radial location of disc D1, D2 - FIG. 1) and a read and/or write position, the slide mechanism comprising a driven first transmission member (base portion of (2a) attaching (2a) to (2)) which is operatively connected to the slide (2) for moving the slide (2) and a driving second transmission member (3) which is only in engagement with the first transmission member (base portion of (2a) attaching (2a) to (2)) when the pickup unit is in the read and/or write position (e.g. FIG. 2), and wherein the pickup unit and the second transmission member (3) comprise engagement members (teeth of (2a); threads of

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(3a)) which are adapted to come into engagement at least when the second transmission member (3) is not in engagement with the first transmission member (base portion of (2a) attaching (2a) to (2)) so as to move the pickup unit away from the home position (FIG. 1), which movement causes the first (base portion of (2a) attaching (2a) to (2)) and second transmission members (3) to engage - see abstract of Sakamoto et al. (2002-140849 A) - whereby, at the innermost position, engagement member (2a) is pushed into engagement with engagement member (3a) via (9, et al).

As per claim 2, wherein the engagement member (2a) of the pickup unit is operatively coupled to an actuator (including (9) which “actuates” engagement of (2a) and (3a)) of the pickup unit (since (9) does indeed contact (2) and moves it, it is an actuator of (2)), and wherein the engagement member (2a) of the pickup unit is adapted to come into engagement with the engagement member (3a) of the second transmission member (3) owing to the action of the actuator (9) of the pickup unit.

As per claim 5, wherein the engagement member (3a) of the second transmission member (3) is a protrusion (e.g., the single spiral thread (3a) can be construed as a “protrusion” wound around shaft (3), since it indeed protrudes above shaft (3)) provided on the second transmission member (3) in a position such that it is enabled to come into engagement with the engagement member (2a) of the pickup unit.

As per claim 12, wherein the second transmission member (3) is operatively connected to a motor (5) for driving the second transmission member (3).

As per claim 13, further comprising a device for reading and/or writing information from/on an optical disk (D1, D2), provided with the disk drive unit as claimed in claim 1 - see FIGS. 1-10.

Allowable Subject Matter

Claims 4, 6 and 9-11 are tentatively objected to as being dependent upon a rejected base claim, but, pending an updated search, amendments or arguments presented by the Applicant and considered by the Examiner in reply to this office communication, would be favorably considered if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (571) 272-7577. The examiner can normally be reached on Monday-Friday (7:30AM-6:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


William J. Klimowicz
Primary Examiner
Art Unit 2627

WJK